

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PAK-VAK SYSTEMS,

Plaintiff,

v.

T & S PRODUCTS,

Defendant.

CIVIL NO. 05-3518 (SRC)

OPINION AND ORDER

CHESLER, District Judge

This matter comes before the Court upon the August 28, 2006 Order to Show Cause [docket # 24] and the September 6, 2006 Report and Recommendation [docket # 25], both issued by United States Magistrate Judge Patty Shwartz pursuant to 28 U.S.C. § 636(b)(1). For the reasons set forth below, and for good cause shown, this Court adopts the Report and Recommendation of the Magistrate Judge, and dismisses the above-captioned case with prejudice.

28 U.S.C. § 636(b)(1)(c) states that any party may object to a Magistrate Judge's Report and Recommendation within ten days of being served with a copy. 28 U.S.C. § 636 (2000). The statute further states that a judge of the court shall make a de novo determination of the magistrate judge's Report and Recommendation, and may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*

After reviewing the underlying events and considering the factors set forth in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984), Magistrate Judge Schwartz issued a recommendation that Plaintiff's complaint be dismissed on July 31, 2006. Specifically, the Magistrate found that "it appears that Plaintiff has abandoned his suit." (Report & Recommendation at n1.)

The Court has thoroughly considered the record and the papers submitted thus far in this matter. It appearing that no objections have been filed to Judge Schwartz's Report and Recommendation, and that Judge Schwartz properly analyzed the dismissal under Poulis, the Report & Recommendation is adopted as the opinion of this Court and this case is dismissed pursuant to Fed. R. Civ. P. 37.

IT IS on this 2nd day of October, 2006, hereby

ORDERED that Plaintiff's Complaint is dismissed with prejudice; and

IT IS FURTHER ORDERED that this case is closed and all pending motions are dismissed as moot.

/s/

Stanley R. Chesler, U.S.D.J.

DATED: October 2, 2006